

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

XAVIER HERSON and JOHN DOE,

Plaintiffs,

v.

Civil Action No. 2:21-cv-00450

BILL J. CROUCH, in his official capacity as Cabinet Secretary of the West Virginia Department of Health and Human Resources; AYNE AMJAD, in her official capacity as Commissioner and State Health Officer for the Bureau of Public Health; and MATTHEW WICKERT, in his official capacity as the State Registrar for Vital Statistics,

Defendants.

JOINT MOTION TO HOLD MATTER IN ABEYANCE

Plaintiffs Xavier Hersom and John Doe, by and through their undersigned counsel, hereby file this joint motion requesting the above-caption matter be held in abeyance and request a stay of all deadlines under the current scheduling order.

In support of this joint motion, the parties advise the Court as follows:

1. Following the submission of the parties' joint motion to extend the discovery deadlines and modification of the original scheduling order in this matter (ECF No. 34), following the adoption of a new policy by the West Virginia Department of Health and Human Services' Vital Registration Office that materially affected and substantially addressed Plaintiffs' claims,

Plaintiffs sent a proposed settlement agreement to Defendants to resolve all issues in the above-captioned lawsuit.

2. Defendants have considered Plaintiffs' settlement proposal. The parties are in substantial agreement on all substantive terms of settlement. The parties require additional time to negotiate and finalize the financial component of the Plaintiffs' settlement proposal.

3. Accordingly, the parties jointly request that this matter be held in abeyance and all deadlines under the current scheduling order be stayed to facilitate this last component of settlement negotiation.

4. The parties jointly represent that they expect to propose a settlement to the Court on or before August 22, 2022, including a proposed deadline for Plaintiffs to voluntarily dismiss their lawsuit pending Defendants' satisfaction of the settlement terms, once finalized.

5. The parties make this request in good faith to avoid the expense of additional unnecessary time and resources on this matter by the parties or the Court. The parties assert that this request is not for the purpose of delay.

6. Plaintiffs' counsel has conferred with Defendants' counsel, and Defendants' counsel consent to this request.

Accordingly, for the reasons stated herein, Plaintiffs respectfully request that the Court enter an order granting their joint motion to hold this matter in abeyance request and request to stay all deadlines under the current scheduling order.

Dated: July 20, 2022

/s/ Loree Stark

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CERTIFICATE OF SERVICE

I, Loree Stark, do hereby certify that on this 20th day of July 2022, I electronically filed a true and exact copy of ***Joint Motion to Hold Matter in Abeyance*** with the Clerk of Court and all parties using the CM/ECF System.

/s/ Loree Stark

West Virginia Bar No. 12936